

**REMARKS**

In the Office Action mailed September 10, 2007, claims 14, 28, 41, and 42 were objected to for informalities; claims 1-7, 9-21, 23-35, and 37-44 were rejected under 35 U.S.C. 112(2) as being indefinite; claims 1-7, 9-11, 15-21, 23-25, 29-35, 37-39, and 42-33 were rejected under 35 U.S.C. 103 as being unpatentable over Evans (U.S. Patent No. 5,924,074) in view of Hacker (U.S. Patent No. 6,988,075) and the Applicant Admitted Prior Art (AAPA); claims 12, 26, and 40 were rejected under 35 U.S.C. 103 as being unpatentable over Evans in view of Hacker and the AAPA, and further in view of Swanson (U.S. Patent No. 6,112,183); and claims 13-14, 27-28, and 41-42 were rejected under 35 U.S.C. 103 as being unpatentable over Evans in view of Hacker, AAPA, and Swanson, and further in view of Haudenschild (U.S. Patent No. 6,665,647). The foregoing objections and rejections are respectfully traversed.

Claims 1-7, 9-23, 25-35, and 37-44 are pending and under consideration. Claims 1, 14, 15, 28, 29, 41, 42, and 43 are amended.

Reconsideration of the claims is respectfully requested.

It is noted that claims 15 and 29 were amended in the Amendment filed June 4, 2007, as asserted by the Examiner on page 2 of the September 10 Office Action.

**Objections to the Claims**

Claims 14, 28, 41, 42 are amended, taking the Examiner's comments into consideration. Withdrawal of the objections to claims 14, 28, 41, and 42 is respectfully requested.

**Rejections of Claims under 35 USC 112(2)**

Claims 1, 15, 29, and 43 are amended, taking the Examiner's comments into consideration. Claims 2-7, 10-14, 16-21, 23-28, 30-35, 37-42, and 44 are dependent claims. Withdrawal of the rejections of claims 1-7, 9-21, 23-35, and 37-44 under 35 U.S.C. 112(2) as being indefinite is respectfully requested.

**Rejections of Claims under 35 USC 103**

It is respectfully requested that the Examiner withdraw, or support by affidavit or reference, the Examiner's assertions of Official Notice set forth in the September 10 Office Action, in relation to

the previous (Final) Office Action mailed May 16, 2006. It is noted that the term "Official Notice" was initially applied in the September 10 Office Action retroactively in reference to the May 16 Office Action.

Evans discusses an electronic medical records system that creates and maintains all patient data electronically. Evans (col. 14 at lines 8-25) discusses Open Database Connectivity (ODBC) model, which "is an application program interface (API) that allows client applications running under Microsoft Windows to access data from a variety of data sources" (Evans, col. 14 at lines 9-13). In the September 10 Office Action, the Examiner asserts that the ODBC model and patient locator of Evans are considered to be a form of a 'master control file' when viewed in light of the Applicant's specification.

It is respectfully asserted that the Examiner has applied impermissible hindsight in accordance with MPEP 2141.02:

"The tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. "

The Admitted Prior Art discusses a master control file used with the WINDOWS operating system in which Figure 3 shows the use of WIN32 API in a system with a master control file. However, the Admitted Prior Art does not discuss or suggest a master control file as recited in independent claims 1, 15, 29, or 43 of the present application.

Hacker discusses a patient-controlled medical information system and method, in which a medical information database interfaces with a system server, which interfaces to a network.

Swanson discusses a method and apparatus for processing health care transactions through a common interface in a distributed computing environment using specialized remote procedure calls.

Haudenschild discusses an enterprise healthcare management system and method, which includes remotely hosting turnkey health care applications.

Referring now to the present application, independent claims 1, 15, 29, and 43 are amended to recite "the portability enabling software interfacing with the plurality of image and text formats and the disparate operating systems".

None of the foregoing references, either alone or in combination, discusses or suggests (as recited in apparatus claim 1 of the present application) "a computer system executing portability enabling software including a master control file controlling interoperability of a medical records system between computer platforms operating on disparate operating systems and the computer platforms including a personal computer, a hand-held device, and a network" and "the portability enabling software interfacing with the plurality of image and text formats and the disparate operating systems".

Independent claims 15, 29, and 43 recite similar features of the present invention.

The above-mentioned dependent claims are patentable at least for their dependence upon one of the foregoing independent claims and recite further patentably distinguishing features of their own.

**Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


If any unresolved issues remain after full consideration of this paper, the Examiner is earnestly requested to telephone the undersigned attorney so that those issues may be promptly resolved.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935, as necessary.

Respectfully submitted,

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